

House Study Bill 606

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON SWAIM)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the payment of costs for an attorney appointed
2 to serve as a guardian ad litem.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5798HC 82
5 jm/rj/14

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1 1 Section 1. Section 232.141, subsection 3, paragraph a,
1 2 Code 2007, is amended to read as follows:
1 3 a. A county shall be required to pay for the fiscal year
1 4 beginning July 1, 1989, an amount equal to the county's base
1 5 cost for witness and mileage fees and attorney fees
1 6 established pursuant to section 232.141, subsection 8,
1 7 paragraph "d", Code 1989, for the fiscal year beginning July
1 8 1, 1988, plus an amount equal to the percentage rate of change
1 9 in the consumer price index as tabulated by the federal bureau
1 10 of labor statistics for the current year times the county's
1 11 base cost. For the fiscal year beginning July 1, 2008, and
1 12 every fiscal year thereafter, the county's base shall equal
1 13 the county's base as calculated in this paragraph less the
1 14 total expenses and compensation of attorneys appointed to
1 15 serve as a guardian ad litem in the county as calculated by
1 16 the state public defender for the preceding fiscal year.

EXPLANATION

1 17 This bill relates to the payment of costs for an attorney
1 18 appointed to serve as a guardian ad litem.
1 19 The bill provides that a county's base cost shall be
1 20 calculated as provided in Code section 232.141(3) less the
1 21 total expenses and compensation of attorneys appointed to
1 22 serve as a guardian ad litem in the county, as calculated by
1 23 the state public defender for the preceding fiscal year.
1 24 Under current law, in Code section 232.141(3)(d) the county
1 25 is required to reimburse the indigent defense fund up to the
1 26 county's base cost. The bill lowers a county's reimbursement
1 27 amount into the indigent defense fund because guardian ad
1 28 litem costs are no longer part of the county base calculation.
1 29 The bill in effect increases the need for additional
1 30 appropriations to the indigent defense fund under Code section
1 31 815.11 because the costs of a guardian ad litem are payable
1 32 from the fund but are no longer reimbursed by the counties and
1 33 paid into the fund.
1 34 LSB 5798HC 82
2 1 jm/rj/14